

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

THOMAS JOHN STYCZINSKI; TOM
"THE COIN GUY", LLC; TREASURE
ISLAND COINS, INC.; and
NUMISMATIST UNITED LEGAL
DEFENSE,

Case No. 20-CV-2019 (NEB/BRT)

ORDER ON MOTION FOR
ATTORNEYS' FEES

Plaintiffs,

v.

GRACE ARNOLD,

Defendant.

Plaintiffs request attorneys' fees as the prevailing party. 24 U.S.C. § 1988; Fed. R. Civ. P. 54(d)(2). The Court will deny the motion given Plaintiffs' pending appeal before the Eighth Circuit. (ECF No. 100.) The 1993 Advisory Committee Notes to Rule 54 state that "[i]f an appeal on the merits of the case is taken, the court . . . may deny the motion without prejudice, directing under subdivision (d)(2)(B) a new period for filing after the appeal has been resolved." Fed. R. Civ. P. 54(d)(2) advisory committee's note to 1993 amendment; *see Dean v. Cty. of Gage, Neb.*, 332 F. Supp. 3d 1247, 1256 (D. Neb. 2018) (noting a court's options under the 1993 Advisory Committee Notes); *Riggs v. Valley Forge Ins. Co.*, No. CIV. 08-03058, 2010 WL 2228569, at *3 (W.D. Ark. June 1, 2010) (same).

In light of Plaintiffs' appeal, and in the interest of judicial efficiency, the Court DENIES Plaintiffs' motion for attorneys' fees (ECF No. 94) WITHOUT PREJUDICE. Plaintiffs may re-file their motion for attorneys' fees after the appeal has been decided.

Dated: May 3, 2024

BY THE COURT:

s/Nancy E. Brasel
Nancy E. Brasel
United States District Judge